

**SEMINOLE COUNTY GOVERNMENT
BOARD OF ADJUSTMENT
AGENDA MEMORANDUM**

SUBJECT: Mitchell Hammock Road (Lot 122) – Les Kaltenecker, applicant;
Request for a height variance from 35 feet to 50 feet for a proposed
recreation facility in M-1 (Industrial) district.

DEPARTMENT: Planning & Development **DIVISION:** Planning

AUTHORIZED BY: Kathy Fall **CONTACT:** Denny Gibbs **EXT.** 7387

Agenda Date 12/7/09 **Regular** ☐ **Consent** ☐ **Public Hearing – 6:00** ☒

MOTION/RECOMMENDATION:

1. **Deny** the request for a height variance from 35 feet to 50 feet for a proposed recreation facility in M-1 (Industrial) district; or
2. **Approve** the request for a height variance from 35 feet to 50 feet for a proposed recreation facility in M-1 (Industrial) district; or
3. **Continue** the request to a time and date certain.

GENERAL INFORMATION	<p>Applicant: Les Kaltenecker</p> <p>Owner: John F & Patricia Baumgardner</p> <p>Location: Mitchell Hammock Road (Lot 122)</p> <p>Zoning: M-1 (Industrial) district</p>
BACKGROUND / REQUEST	<ul style="list-style-type: none"> • The applicant is proposing a 249,000 square foot, two-story recreation facility whose primary elevation is the north facing wall which faces Mitchell Hammock Road. • On the north face the height of the proposed structure is 38 feet with the stair towers proposed at 44 feet. The mean height of the roof tops is 41 feet at the north elevation. The applicant has requested the height variance to 50 feet as full engineering for the structure has not been completed. • The building will be placed above the retention pond and as such the grade of the property slopes away from the

Reviewed by: KFT
Co Atty: AS
Pln Mgr: AS

	<p>north elevation. The lowest grade is approximately 13 feet below grade at the front elevation therefore the mean grade will be approximately 6.5 feet.</p> <ul style="list-style-type: none">• The 50 foot height variance request allows for the grade changes between the top of the structure and the bottom of the pond (mean height of roof tops plus mean grade for pond slope) therefore building height changes have been considered at the various elevations.• There are currently no code enforcement or building violations for this property.• There is no record of prior variances for this property.
STAFF FINDINGS	<p>The applicant has not satisfied the criteria for the grant of a variance. Staff has determined that:</p> <ul style="list-style-type: none">• No special conditions or circumstances exist, which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures or building in the same zoning district.• Special conditions and circumstances result from the actions of the applicant.• The granting of the variance requested would confer on the applicant special privileges that are denied by Chapter 30 to other lands, buildings, or structures in the same zoning district.• The literal interpretation of the provisions of Chapter 30 would not deprive the applicant of rights commonly enjoyed by other properties in the same zoning classification.• The variance requested is not the minimum variance that will make possible reasonable use of the land, building or structure.• The applicant would still retain reasonable use of the land, building or structure without the granting of the variance.• The grant of the variance would not be in harmony with the general intent of Chapter 30.
STAFF RECOMMENDATION	<p>Based on the stated findings, staff recommends denial of the request, unless the applicants can demonstrate that all six criteria under the Land Development Code for granting a variance have been satisfied. If the Board should decide to grant a variance, staff recommends the following conditions</p>

	<p>of approval:</p> <ul style="list-style-type: none">• Any variance granted will apply only to the 249,000 square foot, two-story recreation facility as depicted on the attached site plan; and• At the north face, the height of the proposed structure shall be 38 feet at the top of parapet for the main building with stair towers not to exceed 44 feet; and• The building at the east and south elevations will be placed above the retention pond therefore the grade of the property slopes away from the north elevation, as depicted in the attached elevations. The lowest grade is approximately 13 feet below grade of the front elevation therefore the mean grade will be approximately 6.5 feet; and• The 50 foot height variance allows for the grade changes between the top of the structure and the lowest grade (mean height of roof tops plus mean grade for slopes) and therefore building height changes where above the pond and lowest grade are considered in this approval; and• Any additional condition(s) deemed appropriate by the Board, based on information presented at the public hearing.
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INDEX OF ATTACHMENTS

Items that are checked are included in the packet

- ☒ Staff Report
- ☒ Application
- ☒ Applicant statement of request
- ☒ Proposed Site Plan
- ☒ Location map
- ☒ Property Appraiser data sheet
- ☐ PUD Commitment Card, *if applicable*

Support information:

- ☒ Proposed elevation drawings, renderings, floor plans, etc
- ☐ Aerials, *if warranted*
- ☐ Plat, *if warranted*
- ☐ Code Enforcement information
- ☐ Building Permit information
- ☐ Correspondence
- ☐ Authorization letter
- ☒ Applicant Authorization Form
- ☐ Supporting documentation
- ☐ Letters of support
- ☐ HOA approval letter
- ☐ Pictures provided by applicant
- ☐ Other miscellaneous documents

- ☒ Proposed Development Order

Fee: \$150.00 plus \$50.00 for each additional variance

Application # BV2009-106
Meeting Date 12-7-09

COPY

VARIANCE APPLICATION

SEMINOLE COUNTY PLANNING DIVISION ROOM 2201
1101 East First Street Sanford FL 32771 (407) 665-7444

PROPERTY OWNER / APPLICANT (If you are not the owner please provide a letter of authorization from the owner)

Name: Ies KalteneckerAddress: 5840 Red Bug Lake Road City: Winter Springs Zip code: 32708Project Address: SE of Mitchell Hammock Rd/SR426 City: Oviedo Zip code: Tax Parcel number: 16-21-31-5CA-0000-122B; 16-21-31-5CA-0000-1240Contact number(s): 407-408-6400Email address: lurp12001@yahoo.com

Is the property available for inspection without an appointment?

☒ Yes☐ No

If gated please provide a gate code to staff.

<input type="checkbox"/> Shed	Please describe:
<input type="checkbox"/> Fence	Please describe:
<input type="checkbox"/> Pool	Please describe:
<input type="checkbox"/> Pool screen enclosure	Please describe:
<input type="checkbox"/> Covered screen room	Please describe:
<input type="checkbox"/> Addition	Please describe:
<input type="checkbox"/> New Single Family Home	Please describe:
<input checked="" type="checkbox"/> Other	Please describe: <u>New recreational building</u>
<input type="checkbox"/> This request is for a structure that has already been built	

<input type="checkbox"/> Minimum lot size	Required lot size:	Actual lot size:
<input type="checkbox"/> Width at the building line	Required lot width:	Actual lot width:
<input type="checkbox"/> Front yard setback	Required setback:	Proposed setback:
<input type="checkbox"/> Rear yard setback	Required setback:	Proposed setback:
<input type="checkbox"/> Side yard setback	Required setback:	Proposed setback:
<input type="checkbox"/> Side street setback	Required setback:	Proposed setback:
<input type="checkbox"/> Fence height	Required height:	Proposed height:
<input checked="" type="checkbox"/> Building height	Required height: <u>35'</u>	Proposed height: <u>50'</u>
Use below for additional yard setback variance requests:		
<input type="checkbox"/> _____ yard setback	Required setback:	Proposed setback:
<input type="checkbox"/> _____ yard setback	Required setback:	Proposed setback:
<input checked="" type="checkbox"/> Total number of variances requested <u>1</u>		

Signed: Ies KalteneckerDate: 10-8-09

FOR OFFICE USE ONLY

Date Submitted: 10-9-09Reviewed By: P. JohnsonZoning/FLU M-1/IND.

- ☐ Legally created parcel (1971 tax roll, 5-acre dev, lot split)
- ☐ Platted Lot (check easements as shown on lots, in notes or in dedication)
- ☐ Lot size _____ ☐ Meets minimum size and width
- ☐ Application and checklist complete

Notes: _____

VARIANCE SUBMITTAL CHECKLISTPlease return this checklist with your application!

NO APPLICATION WILL BE ACCEPTED AND/OR SCHEDULED unless all of the information in the Variance application and submittal checklist is provided to the Planning division.

After the application is reviewed by staff for completeness, any items required that were not provided at the time of the application will be check marked below. These must be provided prior to scheduling of the Board of Adjustment hearing.

✓	1. Completed application.
✓	2. Ownership Disclosure Form (Seminole County Application & Affidavit).
✓	3. Owner's authorization letter (if needed). This form can be obtained at http://www.seminolecountyfl.gov/pd/planning/forms.asp
✓	4. Provide a legible 8 1/2 x 11 inch site plan with the following information NOTE: Please use your property survey for your site plan, if available. See the attached site plan as an example of the information needed; please draw to scale and note the scale used on the plan.
	o Please start with a clean survey (ex: white out old approval stamps)
	o Size and dimension of the parcel
	o Location and name of all abutting streets
	o Location of driveways
	o Location, size and type of any septic systems, drain field and wells
	o Location of all easements
	o Existing or proposed house <u>or</u> addition (Label existing, label proposed, and include square footage and dimensions of each)
	o Existing and/or proposed buildings, structures and improvements (Label existing, label proposed, and include square footage and dimension of each)
	o Building height
	o Setbacks from each building to the property lines
	o Location of proposed fence(s)
	o Identification of available utilities (ex: water, sewer, well or septic)
✓	5. Attach additional information and supporting documents such as letters of support from adjacent property owners or Home Owners Association DRB approvals, as desired.

APPLICANT STATEMENT

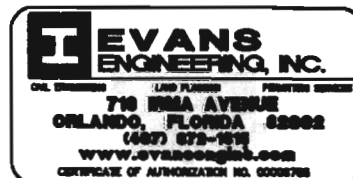
Hidden Lagoon Development – Height Variance

The proposed development consists of five separate uses on approximately 18 acres of land. Surrounding the property are commercial uses including gas station and sod farms. The recreational facility on the south portion of the property is a 249,000 sf 2-story building. The proposed use for this building is paintball training and recreation. Due to the nature of this type of business clear ceiling heights are imperative. Therefore, to build this facility the first floor height is 19 ft. the second floor height is 15 ft. In addition, the parapet wall on the roof is 4 ft. Towers also exist for stair and elevator service. These towers extend to 6 ft above the parapet walls.

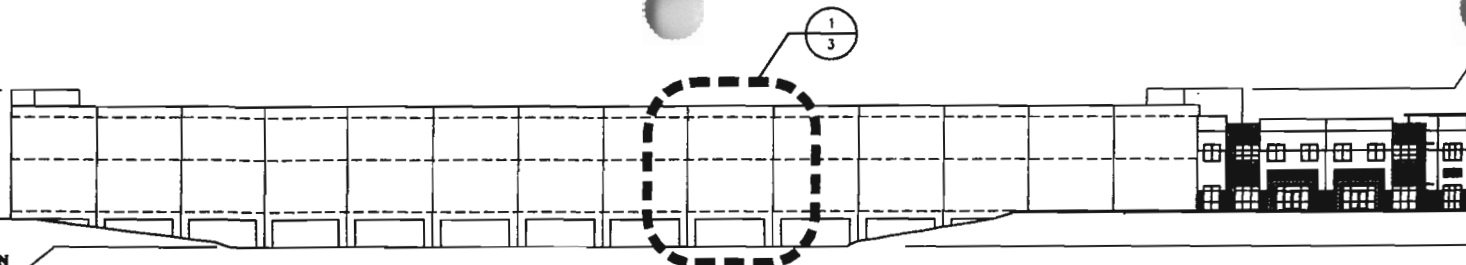
Grades around the perimeter of the building range from 33' msl in the front to 24' msl in the rear. The first floor elevation of the building is 34' msl. ~~Therefore, from the lowest adjacent grade of the building, which is located in the rear, to the top of the stair and elevator towers is approximately 54'.~~ Since this building is still under design the maximum height requested is ~~60'~~ 50' to allow for additional rooftop screening or adjustments in clear ceiling heights to account for structural components.

STAFF
NOTES

To visualize this height an exhibit is attached showing the front of the proposed recreational facility and stair / elevator tower. From this view point the actual elevation is approximately 45' from the adjacent grade since the grades in the front of the building are higher than the rear grades.



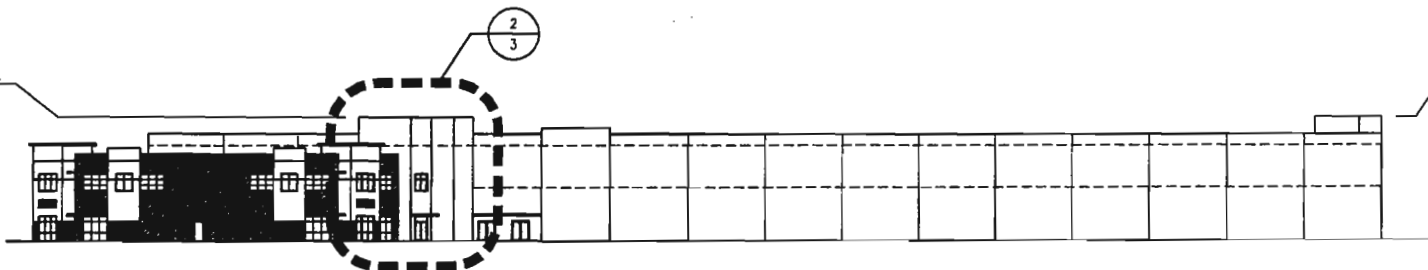
TOP OF STAIR TOWER
+44'-0"
TOP OF PARAPET
+38'-0"
2ND FINISH FLOOR
+19'-0"
1ST FINISH FLOOR
+0'-0"
BOTTOM OF RETENTION
-13'-0"



TOP OF STAIR TOWER
+44'-0"
TOP OF PARAPET
+38'-0"
2ND FINISH FLOOR
+19'-0"
1ST FINISH FLOOR
+0'-0"
BOTTOM OF RETENTION
-13'-0"

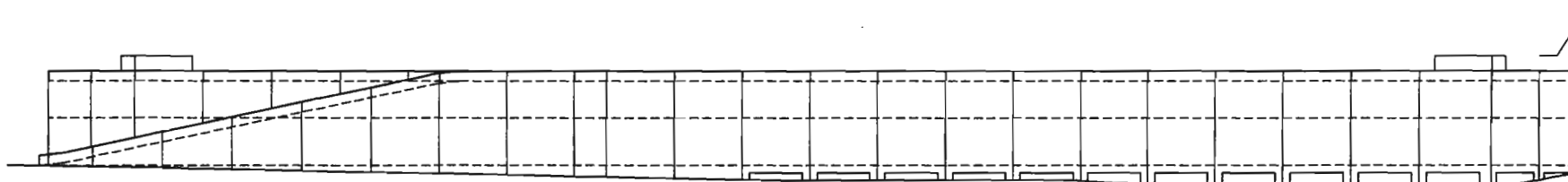
1
2 EAST ELEVATION

TOP OF STAIR TOWER
+44'-0"
TOP OF PARAPET
+38'-0"
2ND FINISH FLOOR
+19'-0"
1ST FINISH FLOOR
+0'-0"



TOP OF STAIR TOWER
+44'-0"
TOP OF PARAPET
+38'-0"
2ND FINISH FLOOR
+19'-0"
1ST FINISH FLOOR
+0'-0"

2
2 NORTH ELEVATION



TOP OF STAIR TOWER
+44'-0"
TOP OF PARAPET
+38'-0"
2ND FINISH FLOOR
+19'-0"
1ST FINISH FLOOR
+0'-0"
BOTTOM OF RETENTION
-9'-0"

3
2 SOUTHWEST ELEVATION



SCALE: 1"=70'-0"

OCTOBER 08, 2009

HIDDEN LAGOON RECREATIONAL FACILITY

OVIEDO, FLORIDA

09071



TOP OF STAIR TOWER
+44'-0"
HIGHEST POINT OF BUILDING

TOP OF PARAPET
+38'-0"

2ND FINISH FLOOR
+19'-0"

1ST FINISH FLOOR
+0'-0"

BOTTOM OF RETENTION
-13'-0"

OPEN TO POND UNDER BUILDING

2
3 ENLARGED ELEVATION

1
3 ENLARGED ELEVATION



SCALE: 1" = 10'-0"

OCTOBER 08, 2009

HIDDEN LAGOON
RECREATIONAL FACILITY
OVIEDO, FLORIDA

09071





PROPOSED PAINTBALL ARENA/RETAIL BUILDING



NOT TO SCALE

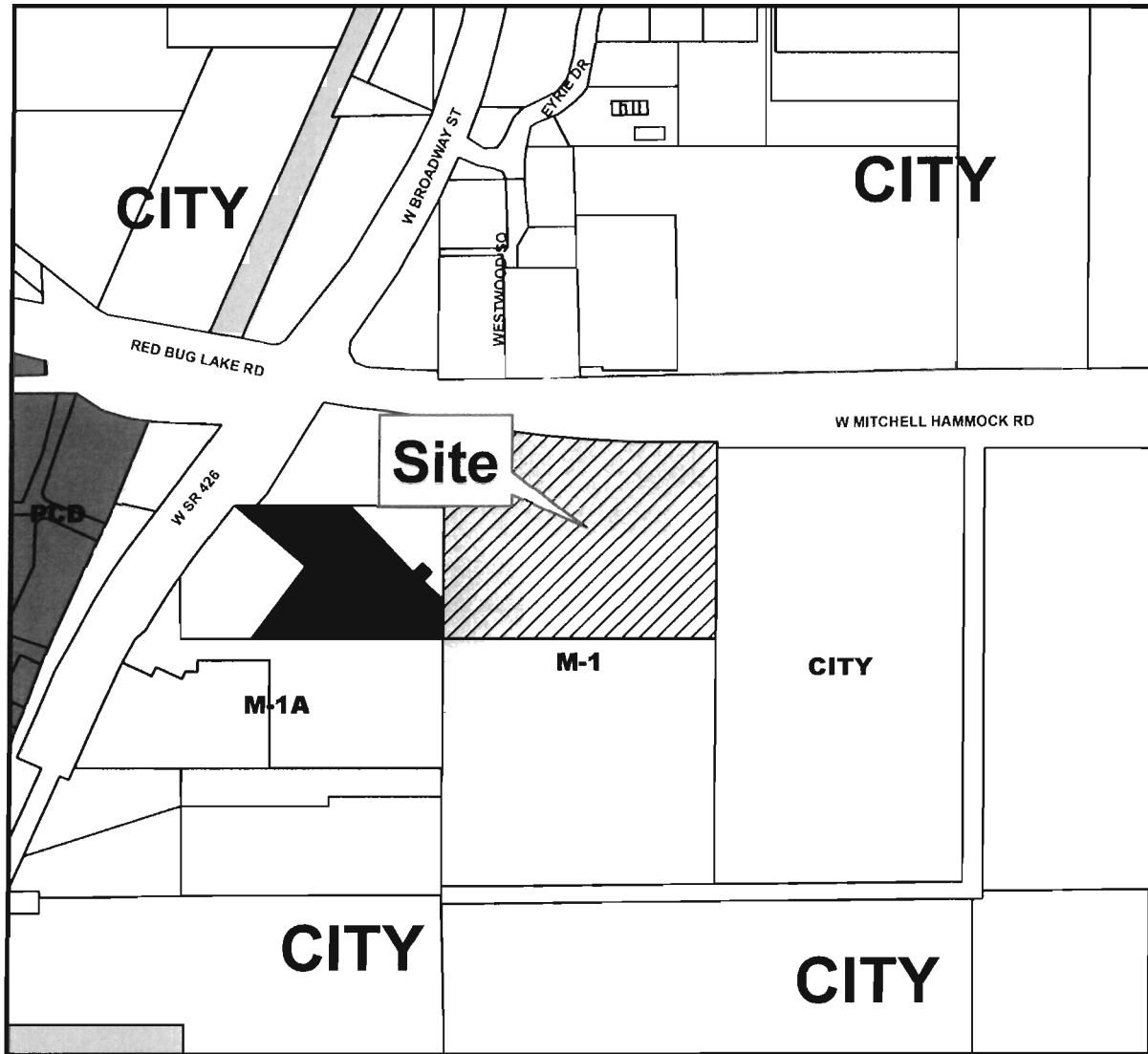
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OVIEDO, FLORIDA

09073








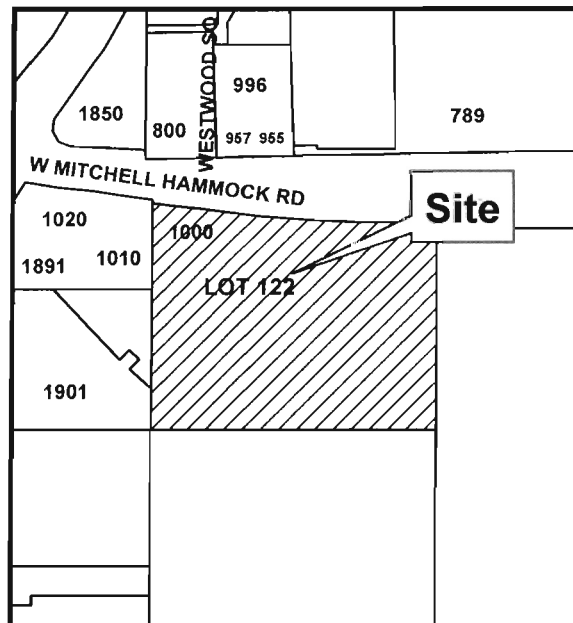
Les Kaltenecker
Mitchell Hammock Road (Lot 122)
Oviedo, FL 32765





Seminole County Board of Adjustment
December 7, 2009
Case: BV2009-106 (Map 3212 Grid D1)
Parcel No: 16-21-31-5CA-0000-122B

Zoning

-  BV2009-106
-  A-1
-  C-3
-  M-1A
-  M-1
-  PCD



PARCEL DETAIL DAVID JOHNSON, CPA, ASA PROPERTY APPRAISER SEMINOLE COUNTY FL. 1101 E. FIRST ST SANFORD, FL 32771-1408 407-585-7808																																												
GENERAL Parcel Id: 16-21-31-5CA-0000-122B Owner: BAUMGARDNER JOHN F & PATRICIA Mailing Address: 13816 CELIDA AVE City,State,ZipCode: HUDSON FL 34667 Property Address: MITCHELL HAMMOCK RD W Facility Name: Tax District: 01-COUNTY-TX DIST 1 Exemptions: Dcr: 40-VAC INDUSTRIAL GENER		VALUE SUMMARY <table border="1"> <thead> <tr> <th>VALUES</th> <th>2010 Working</th> <th>2009 Certified</th> </tr> </thead> <tbody> <tr> <td>Value Method</td> <td>Cost/Market</td> <td>Cost/Market</td> </tr> <tr> <td>Number of Buildings</td> <td>0</td> <td>0</td> </tr> <tr> <td>Depreciated Bldg Value</td> <td>\$0</td> <td>\$0</td> </tr> <tr> <td>Depreciated EXFT Value</td> <td>\$0</td> <td>\$0</td> </tr> <tr> <td>Land Value (Market)</td> <td>\$405,540</td> <td>\$405,540</td> </tr> <tr> <td>Land Value Ag</td> <td>\$0</td> <td>\$0</td> </tr> <tr> <td>Just/Market Value</td> <td>\$405,540</td> <td>\$405,540</td> </tr> <tr> <td>Portability Adj</td> <td>\$0</td> <td>\$0</td> </tr> <tr> <td>Save Our Homes Adj</td> <td>\$0</td> <td>\$0</td> </tr> <tr> <td>Assessed Value (SOH)</td> <td>\$405,540</td> <td>\$405,540</td> </tr> </tbody> </table> <p align="right">Tax Estimator</p>	VALUES	2010 Working	2009 Certified	Value Method	Cost/Market	Cost/Market	Number of Buildings	0	0	Depreciated Bldg Value	\$0	\$0	Depreciated EXFT Value	\$0	\$0	Land Value (Market)	\$405,540	\$405,540	Land Value Ag	\$0	\$0	Just/Market Value	\$405,540	\$405,540	Portability Adj	\$0	\$0	Save Our Homes Adj	\$0	\$0	Assessed Value (SOH)	\$405,540	\$405,540									
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2010 TAXABLE VALUE WORKING ESTIMATE <table border="1"> <thead> <tr> <th>Taxing Authority</th> <th>Assessment Value</th> <th>Exempt Values</th> <th>Taxable Value</th> </tr> </thead> <tbody> <tr> <td>County General Fund</td> <td>\$20,000</td> <td>\$0</td> <td>\$20,000</td> </tr> <tr> <td>Schools</td> <td>\$20,000</td> <td>\$0</td> <td>\$20,000</td> </tr> <tr> <td>Fire</td> <td>\$20,000</td> <td>\$0</td> <td>\$20,000</td> </tr> <tr> <td>Road District</td> <td>\$20,000</td> <td>\$0</td> <td>\$20,000</td> </tr> <tr> <td>SJWM(Saint Johns Water Management)</td> <td>\$20,000</td> <td>\$0</td> <td>\$20,000</td> </tr> <tr> <td>County Bonds</td> <td>\$20,000</td> <td>\$0</td> <td>\$20,000</td> </tr> </tbody> </table>						Taxing Authority	Assessment Value	Exempt Values	Taxable Value	County General Fund	\$20,000	\$0	\$20,000	Schools	\$20,000	\$0	\$20,000	Fire	\$20,000	\$0	\$20,000	Road District	\$20,000	\$0	\$20,000	SJWM(Saint Johns Water Management)	\$20,000	\$0	\$20,000	County Bonds	\$20,000	\$0	\$20,000							
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NOTE: Assessed values shown are NOT certified values and therefore are subject to change before being finalized for ad valorem tax purposes. *** If you recently purchased a homesteaded property your next year's property tax will be based on Just/Market value.																																								

**SEMINOLE COUNTY
APPLICATION & AFFIDAVIT**

Ownership Disclosure Form

The owner of the real property associated with this application is a (check one)

☒ Individual ☐ Corporation ☐ Land Trust

☐ Limited Liability Company ☐ Partnership

☐ Other (describe): _____

1. List all natural persons who have an ownership interest in the property, which is the subject matter of this petition, by name and address.

NAME	ADDRESS	PHONE NUMBER
John F Baumgardner	13816 Celida Ave, Hudson, FL	
Patricia Baumgardner	13816 Celida Ave, Hudson, FL	

(Use additional sheets for more space.)

2. For each corporation, list the name, address, and title of each officer; the name and address of each director of the corporation; and the name and address of each shareholder who owns two percent 2% or more of the stock of the corporation. Shareholders need not be disclosed if a corporation's stock are not traded publicly on any national stock exchange.

NAME	TITLE OR OFFICE	ADDRESS	% OF INTEREST

(Use additional sheets for more space.)

3. In the case of a trust, list the name and address of each trustee and the name and address of the beneficiaries of the trust and the percentage of interest of each beneficiary. If any trustee or beneficiary of a trust is a corporation, please provide the information required in paragraph 2 above.

Trust Name: _____

NAME	TRUSTEE OR BENEFICIARY	ADDRESS	% OF INTEREST

(Use additional sheets for more space.)

**SEMINOLE COUNTY
APPLICATION & AFFIDAVIT**

4. For partnerships, including limited partnerships, list the name and address of each principal in the partnership, including general or limited partners. If any partner is a corporation, please provide the information required in paragraph 2 above.

NAME	ADDRESS	% OF INTEREST

(Use additional sheets for more space.)

5. In the circumstances of a contract for purchase, list the name and address of each contract purchaser. If the purchaser is a corporation, trust, or partnership, provide the information required for those entities in paragraphs 2, 3, and/or 4 above.

Name of Purchaser: _____

NAME	ADDRESS	% OF INTEREST

Date of Contract: _____

Please specify any contingency clause related to the outcome of the consideration of the application.

6. As to any type of owner referred to above, a change of ownership occurring subsequent to this application, shall be disclosed in writing to the Planning and Development Director prior to the date of the public hearing on the application.
7. I affirm that the above representations are true and are based upon my personal knowledge and belief after all reasonable inquiry. I understand that any failure to make mandated disclosures is grounds for the subject rezoning, future land use amendment, special exception, or variance involved with this Application to become void. I certify that I am legally authorized to execute this Application and Affidavit and to bind the Applicant to the disclosures herein.

10/8/09
Date

Lester Kaltenecker
Owner, Agent, Applicant Signature

STATE OF FLORIDA
COUNTY OF Orange

Sworn to (or affirmed) and subscribed before me this 8 day of October, 2009 by Lester Kaltenecker

Christina Price
Signature of Notary Public

Christina Price
Print, Type or Stamp Name of Notary Public



Personally Known ☒ OR Produced Identification _____

Type of Identification Produced _____

For Use by Planning & Development Staff

Date: _____ Application Number: _____

SEMINOLE COUNTY APPLICANT AUTHORIZATION FORM (ORIGINAL ONLY)

An authorized applicant is defined as:

The property owner of record; or
An agent of said property owner (power of attorney to represent and bind the property owner must be submitted with the application); or
Contract purchaser (a copy of a fully executed sales contract must be submitted with the application containing a clause or clauses allowing an application to be filed).

I, John & Patricia Baumgardner, the fee simple owner of the following
(Owner's Name)

described property (Provide Legal Description or Tax Parcel ID Number(s))

16-21-31-5CA-0000-122B; 16-21-31-5CA-0000-1240

hereby affirm that Les Kaltenecker is hereby designated to act as my /our
authorized agent and to file the attached application for the stated special exception / variance request and
make binding statements and commitments regarding the request.

Patricia Baumgardner
Owner's Signature

I certify that I have examined the application and that all statements and diagrams submitted are true and accurate to the best of my knowledge. Further, I understand that this application, attachments and fees become part of the Official Records of Seminole County, Florida and are not returnable.

SWORN TO AND SUBSCRIBED before me this

7

day of

Oct 2009

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State and County aforesaid to take acknowledgments, personally appeared JOHN & PATRICIA BAUMGARDNER who is personally known to me or who has produced FL DL State identification and who executed the foregoing instrument and sworn an oath.

WITNESS my hand and official seal in the County and State aforesaid this

OCT

2009

7

day of

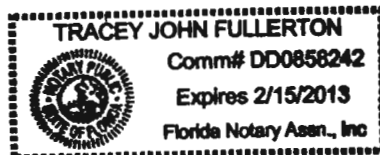
Tracey John Fullerton
Notary Public in and for the County and State
Aforementioned

My Commission Expires:

2/15/13

Application to the Board of Adjustment / Planning Division

Last updated 7/24/08



SEMINOLE COUNTY DENIAL DEVELOPMENT ORDER

On December 7, 2009, Seminole County issued this Development Order relating to and touching and concerning the following described property:

LEG E 1/2 OF LOT 122 (LESS RD) SLAVIA COLONY COS SUBD PB 2 PG 71

(The aforescribed legal description has been provided to Seminole County by the owner of the aforescribed property.)

FINDINGS OF FACT

Property Owner: John F & Patricia Baumgardner
13816 Celida Ave
Hudson FL 34667

Project Name: Mitchell Hammock Road (Lot 122)

Requested Variance:

Height variance from 35 feet to 50 feet for a proposed recreation facility in M-1 (Industrial) district.

Approval was sought to construct a structure that exceeded the required 35 foot building height. One or more of the six criteria under the Land Development Code for granting a variance have not been satisfied. The applicant still retains reasonable use of the property without the granting of the requested variance.

The requested development approval is hereby denied.

Prepared by: Denny Gibbs, Senior Planner
1101 East First Street
Sanford, Florida 32771

Done and Ordered on the date first written above.

By: _____
Alison C. Stettner
Planning Manager

STATE OF FLORIDA)
COUNTY OF SEMINOLE)

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State and County aforesaid to take acknowledgments, personally appeared _____ who is personally known to me or who has produced _____ as identification and who executed the foregoing instrument.

WITNESS my hand and official seal in the County and State last aforesaid this _____ day of _____, 2009.

Notary Public, in and for the County and State
Aforementioned

My Commission Expires:

SEMINOLE COUNTY APPROVAL DEVELOPMENT ORDER

On December 7, 2009, Seminole County issued this Development Order relating to and touching and concerning the following described property:

LEG E 1/2 OF LOT 122 (LESS RD) SLAVIA COLONY COS SUBD PB 2 PG 71

(The aforescribed legal description has been provided to Seminole County by the owner of the aforescribed property.)

FINDINGS OF FACT

Property Owner: John F & Patricia Baumgardner
13816 Celida Ave
Hudson FL 34667

Project Name: Mitchell Hammock Road (Lot 122)

Variance Approval:

Height variance from 35 feet to 50 feet for a proposed recreation facility in M-1 (Industrial) district.

All six criteria for granting a variance under the Land Development Code have been satisfied.

The Development Approval sought is consistent with the Seminole County Comprehensive Plan and will be developed consistent with and in compliance to applicable land development regulations and all other applicable regulations and ordinances.

The owner of the property has expressly agreed to be bound by and subject to the development conditions and commitments stated below and has covenanted and agreed to have such conditions and commitments run with, follow and perpetually burden the aforescribed property.

Prepared by: Denny Gibbs, Senior Planner
1101 East First Street
Sanford, Florida 32771

Order

NOW, THEREFORE, IT IS ORDERED AND AGREED THAT:

- (1) The aforementioned application for development approval is **GRANTED**.
- (2) All development shall fully comply with all of the codes and ordinances in effect in Seminole County at the time of issuance of permits including all impact fee ordinances.
- (3) The conditions upon this development approval and the commitments made as to this development approval, all of which have been accepted by and agreed to by the owner of the property are as follows:
 - a. The variance granted will apply only to the 249,000 square foot, two-story recreation facility as depicted on the attached site plan.
 - b. At the north face, the height of the proposed structure shall be 38 feet at the top of parapet for the main building with stair towers not to exceed 44 feet.
 - c. The building at the east and south elevations will be placed above the retention pond therefore the grade of the property slopes away from the north elevation, as depicted in the attached elevations. The lowest grade is approximately 13 feet below grade of the front elevation therefore the mean grade will be approximately 6.5 feet; and
 - d. The 50 foot height variance allows for the grade changes between the top of the structure and the lowest grade (mean height of roof tops plus mean grade for slopes) and therefore building height changes where above the pond and lowest grade are considered in this approval.
- (4) This Development Order touches and concerns the aforescribed property and the conditions, commitments and provisions of this Development Order shall perpetually burden, run with and follow the said property and be a servitude upon and binding upon said property unless released in whole or part by action of Seminole County by virtue of a document of equal dignity herewith. The owner of the said property has expressly covenanted and agreed to this provision and all other terms and provisions of this Development Order.

(5) The terms and provisions of this Order are not severable and in the event any portion of this Order shall be found to be invalid or illegal then the entire order shall be null and void.

Done and Ordered on the date first written above.

By: _____
Alison C. Stettner
Planning Manager

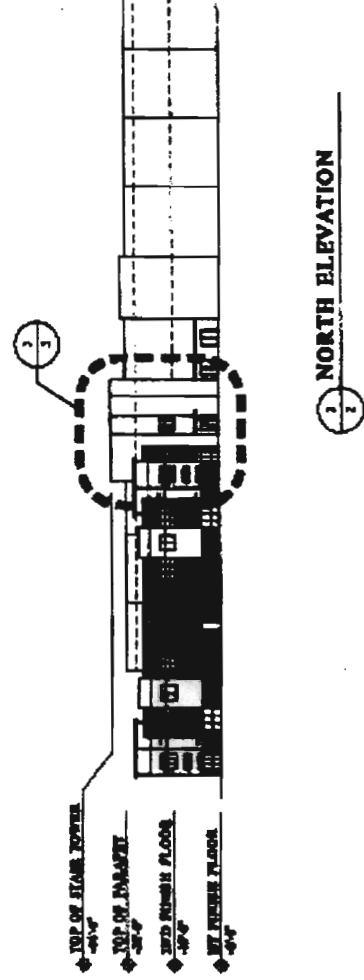
STATE OF FLORIDA)
COUNTY OF SEMINOLE)

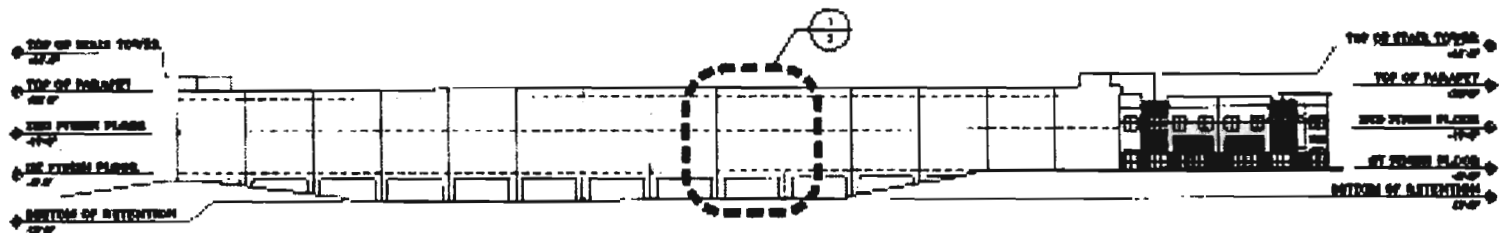
I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State and County aforesaid to take acknowledgments, personally appeared _____ who is personally known to me or who has produced _____ as identification and who executed the foregoing instrument.

WITNESS my hand and official seal in the County and State last aforesaid this _____ day of _____, 2009.

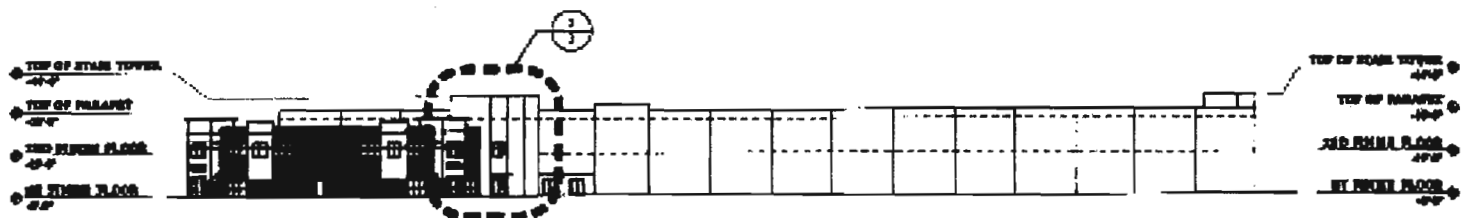
Notary Public, in and for the County and State
Aforementioned

My Commission Expires:

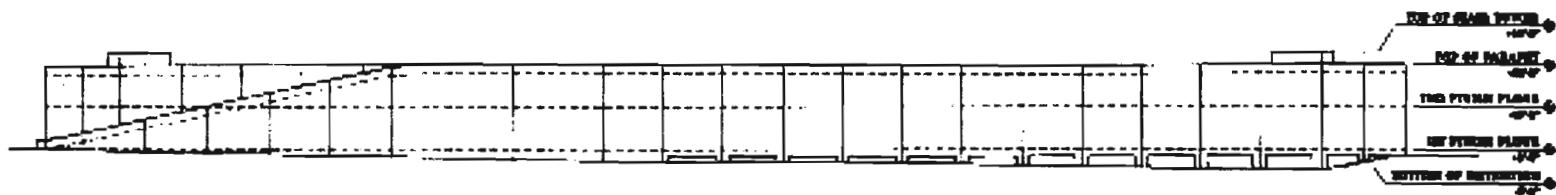




1 EAST ELEVATION



1 NORTH ELEVATION



1 SOUTHWEST ELEVATION